

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

The Hon. J. Mark Hayes, II, Circuit Court Judge

Appellate Case No. 2018-002223

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DEC 20 2019
SC Court of Appeals

H. Hugh AndrewsRespondent,

v.

Quentin S. Broom, Jr.,Appellant.

**APPELLANT QUENTIN S. BROOM JR'S
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellant proposes that the following be included in the Record on Appeal:

1. Amended Answer and Counterclaims of Andrews, 5/25/2006
2. Broom's Motion to Dismiss; 9/14/2011
3. Order Granting Broom's Motion to Dismiss, 11/1/2011
4. Motion to Amend and/or Supplement the Answer and Counterclaims of Andrews, 11/14/2011
5. Order Denying Motions to Reconsider, 2/1/2013
6. Andrews' Brief in Court of Appeals, 6/10/2013
7. Broom's Brief in Court of Appeals, 9/9/2013
8. Court of Appeals Order, 1/14/2015
9. Broom's Petition for Certiorari
10. Andrews' Return to Petition for Certiorari, 5/7/2013
11. Supreme Court Order, 9/30/2015
12. Remittitur, 12/8/2015

13. Andrews' Counsel Letter to Supreme Court, 12/10/2015
14. Supreme Court Response Letter to Andrews' Counsel, 1/6/2016
15. Order Granting Leave to Amend, 7/6/2016
16. Second Amended Answer and Counterclaims, 7/8/2016
17. Verification, 7/8/2016
18. Broom's Motion to Dismiss, 5/6/2017
19. Order Denying Motion to Dismiss, 6/2/2017
20. Broom's Motion for Summary Judgment, 6/15/2017
21. Exhibit 9 (WorldWide-TriStar Consultancy Agreement) to Broom's Motion for Summary Judgment
22. Broom's Motion to Establish Facts, 6/22/2017
23. Exhibit 4 (Andrews' Deposition Excerpt) to Broom's Motion to Establish Facts
24. Order Realigning Parties, 6/29/2017
25. Trial Transcript
 - p. 8, ll.9-11
 - p. 14, ll. 16-25
 - p. 25, l.23-p. 26, l.7
 - p. 130, l.25-p. 132, l.1
 - p. 135, ll.17-22
 - p. 170, l.22-p. 175, l. 12
 - p. 176, l.14-p. 179, l.18
 - p. 181, l.25-p. 183, l.1
 - p. 187, l.11-p. 199, l.6
 - p. 199, l.17-p. 203, l.15
 - p. 239, l.5-p.240, l.19
 - p. 250, ll.2-16
 - p. 252, l.2-p. 253, l.24
 - p. 307, ll.17-19
 - p. 308, ll.9-15
 - p. 310, l.13-p. 311, l.24
 - p. 316, l.17-p. 317, l.12
 - p. 320, l.14-p. 321, l.18
 - p. 334, l.9-p. 336, l.3
 - p. 336, l.18-p. 337, l.13
 - p. 344, ll. 4-10
 - p. 348, l.5-p. 349, l.7
 - p. 355, l.5-p. 362, l.24
 - p. 363, l.6-p. 364, l.12
26. Trial Exhibit 1 (12/21/1999 Promissory Note to Drew's Distributing)
27. Trial Exhibit 2 (12/21/1999 Purchase Money Security Agreement)
28. Trial Exhibit 3 (11/11/2002 Assignment of Drew's Receivables to Andrews)

29. Trial Exhibit 5 (TriStar Adjusting Journal entries for Tax Year Ending 2003 and Statement 1 Form 1120S (TriStar Tax Return))
30. Trial Exhibit 6 (News Articles from the Dominican Republic, 7/1/2005-6/28/2006)
31. Trial Exhibit 7 (2005 Letters from Knie to Andrews, Hodge, Stodghill and from Stodghill to Knie)
32. Trial Exhibit 9 (March 28-29, 2006 Transcript of Bench Trial (Vol. 1 and II), *International Game Technology, Inc. v. Horace Hugh Andrews, II and Drew's Distributing, Inc.*) at 106-07, 116-17, 127-28
33. Trial Exhibit 11 (12/8/2005 Bankruptcy Petition by Andrews against TriStar, 11/3/2005 Payments, and 11/22/2006 Final Order)
34. Trial Exhibit 12 (10/19/2005 Fax from Russell to Broom with Spreadsheet of TriStar's Shareholder Notes Payable)
35. Trial Exhibit 13 (10/14/2005 Letter from International Gaming Corp. to Broom re; valuing gaming machines)
36. Trial Exhibit 14 (10/24/2005 Receipt from Jose Perez to Frank Dilleshaw re: sale of machines)
37. Trial Exhibit 15 (1/7/2005 Deposition of Hugh Andrews in the matter of *IGT v. Andrews and Drew's*)
38. Trial Exhibit 19 (3/6/2001 Fax from Ten State Street to Mike Fletcher re: operation of gaming machines in Dominican Republic)
39. Trial Exhibit 28 (2002 Andrews Tax Return (Form 1040) and Statements: Drew's Distributing Pass-through Loss and Schedule E)
40. Trial Exhibit 29 (2003 TriStar Tax Return (form 1120S) Statement 1 Other Income, showing cancellation of debt)
41. Trial Exhibit 32 (6/9/2005 Letter from Tim Russell to Curt Stodghill re: TriStar's 2004 General Ledgers and January-April 2005)
42. Trial Exhibit 36 (1/1/98 – 12/31/2003 TriStar Accountant Working Papers and Tax Returns)
43. Trial Exhibit 37 (8/11/2006 Fax from Russell to Knie forwarding TriStar Financial Statements from 8/31/05-12/31/05)
44. Trial Exhibit 38 (2002 TriStar Balance Sheet, Income Statement, and General Ledger)
45. Trial Exhibit 39 (2001 TriStar Balance Sheet, Income Statement, and General Ledger)
46. Trial Exhibit 43 (2003 TriStar Accountant Working Papers, Financial Statements, and Tax Returns)
47. Trial Exhibit 49 (5/18/2004 Ten State Street and Russell Memo re: TriStar loans, Broom's salary, and real estate)
48. Trial Exhibit 50 (Ten State Street invoices, signed by H. Hugh Andrews)
49. Trial Exhibit 57 (Excerpt of Tim Russell Deposition)
50. Order and Judgment, 11/8/2017
51. Broom's Motion for JNOV, 11/27/2017
52. Andrews' Petition for Attorneys' Fees, 12/15/2017
53. Final Order and Judgment, 11/20/2018

I certify that this designation contains no matter which is irrelevant to this appeal.

December 20, 2019
Columbia, SC

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Respectfully submitted,

Matthew Richardson

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ATTORNEYS FOR APPELLANT

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PROOF OF SERVICE

I, Matthew T. Richardson of Wyche, P.A., attorneys for the Appellant in the within action, do hereby certify that I have this date served upon opposing counsel the foregoing **APPELLANT QUENTIN S. BROOM, JR.'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** by first class mail, addressed to the following:

Respectfully submitted,



Matthew T. Richardson

December 20, 2019

W Y C H E

Attorneys at Law

December 20, 2019

Via Hand Delivery

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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SC Court of Appeals

RE: *Broom v. Andrews*
Appellate Case No. 2018-002223

Dear Ms. Kitchings:

Enclosed please find an original and two copies of Appellant Quentin S. Broom, Jr.'s Initial Brief and Designation of Matter in the above-referenced appeal, along with Proof of Service for same. Please return a file-stamped copy of these documents to via our courier.

By copy of this letter, we are serving one copy of these documents on all parties to this appeal.

Thank you for your assistance.

Most Respectfully,

Matthew Richardson

Matthew T. Richardson

cc: Rodney Pillsbury
James E. Cox, Jr.
Whitney B. Harrison

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